

2007 DRAFTING REQUEST**Bill**Received: **09/25/2007**Received By: **agary**Wanted: **As time permits**

Identical to LRB:

For: **Tamara Grigsby (608) 266-0645**By/Representing: **Cindy McGinnis**This file may be shown to any legislator: **NO**Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**Extra Copies: **BAB**Submit via email: **YES**Requester's email: **Rep.Grigsby@legis.wisconsin.gov**Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Allowing occupational licenses for operating privilege suspensions following financial responsibility violations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/P1	agary 09/28/2007	bkraft 10/01/2007	rschluet 10/01/2007		sbasford 10/01/2007		State
/1	agary 01/09/2008	jdye 01/09/2008	rschluet 01/09/2008		sbasford 01/09/2008	cduerst 01/24/2008	

FE Sent For:

alintro
2/7

<END>

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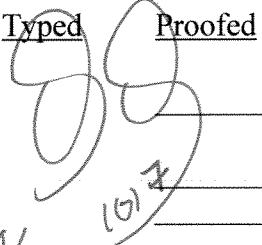
Topic:

Allowing occupational licenses for operating privilege suspensions following financial responsibility violations ✓

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/P1	agary 09/28/2007	lrb_editor					
			/P1 bjk 10/1				

FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau

100 N. Hamilton Street
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 9-20-07

Legislator, agency, or other person requesting this draft Rep. Grigsby

Person submitting request (name and phone number) Cindy 60645

Persons to contact for questions about this draft (names and phone numbers) Bob Anderson

Legal Action of WI 256-3304 ext 106

Describe the problem, including any helpful examples. How do you want to solve the problem?

See attached labeled Bill #3

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES ☒ NO

If yes:

Anyone who asks? YES NO

Any legislator? YES NO

Only the following persons Bob Anderson

Do you consider this request urgent? YES ☒ NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person?

YES ☒ NO

DRIVER'S LICENSE LEGISLATION

At today's meeting (7/3/07) we talked about the following legislation in general:

Other proposals that may be considered, perhaps in the future:

- Allow occupational licenses for those whose licenses are suspended for damage claims

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

9/25

Mc Fr - Bob Anderson - VM 256-3304 ext. 106 - Legal Ask

1. yes - ch. 344 suspension

in 9/28

bjk

D-note

✓ PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS - Please check spelling.

SA ✓
x-ref ✓

gen. cat.

- 1 AN ACT ...; **relating to:** allowing the Department of Transportation to issue
- 2 occupational licenses following operating privilege suspensions related to
- 3 motor vehicle financial responsibility violations.

Analysis by the Legislative Reference Bureau

Current law does not generally require motor vehicles operated in this state to be covered by policies of bodily injury and property damage liability insurance. However, current law imposes certain financial responsibility requirements on owners and operators of motor vehicles involved in accidents. If a motor vehicle accident results in injury, death, or property damage of \$1,000 or more, the Department of Transportation (DOT) is required to notify the operator and owner of the vehicle involved in the accident that the person must deposit with DOT security for the accident in an amount specified by DOT, which DOT has determined is sufficient to satisfy any judgment for damages resulting from the accident. Unless an exception applies, if a person fails to timely deposit security after this notice is given, DOT must suspend the person's operating privilege if the person was the vehicle operator. Also, if DOT receives a certified copy of a judgment for damages of \$500 or more arising out of a motor vehicle accident, DOT must immediately suspend the operating privilege and all registrations of the person against whom the judgment was rendered unless the person can provide proof of financial responsibility.

Also under current law, with certain exceptions and limitations, a person may apply to DOT for an occupational license if the person's operating privilege is revoked or suspended for various specified offenses and the person is engaged in an

offenses

occupation, trade, or study making it essential that he or she operate a motor vehicle. The occupational license must contain definite restrictions as to hours of the day, hours per week, type of occupation, and areas or routes of travel which are permitted under the occupational license.

This bill allows DOT to issue a person an occupational license if the person's operating privilege has been suspended for failure to deposit security or demonstrate financial responsibility after an accident or judgment arising from an accident. The bill also requires DOT to inform a person whose operating privilege is suspended for these reasons of his or her right to apply for an occupational license.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 343.10 (1) (a) of the statutes is amended to read:

343.10 (1) (a) If a person's license or operating privilege is revoked or suspended under this chapter or ch. 344 or s. 767.73, 938.34 (14q), 943.21 (3m), or 961.50 and if the person is engaged in an occupation, including homemaking or full-time or part-time study, or a trade making it essential that he or she operate a motor vehicle, the person, after payment of the fee provided in sub. (6), may file an application with the department setting forth in detail the need for operating a motor vehicle. No person may file more than one application with respect to each revocation or suspension of the person's license or operating privilege under this chapter or ch. 344 or s. 767.73, 938.34 (14q), 943.21 (3m), or 961.50, except that this limitation does not apply to an application to amend an occupational license restriction.

History: 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337; 1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237; 1999 a. 109; 2001 a. 16 ss. 3409f, 3409g, 4060hw, 4060hy; 2003 a. 33, 80, 200, 326; 2005 a. 443 s. 265.

SECTION 2. 343.10 (9) of the statutes is amended to read:

1 ✓ 343.10 (9) NOTICE. The department shall inform a person whose operating
2 privilege is revoked or suspended under this chapter or ch. 344 of his or her right to
3 apply to the department for issuance of an occupational license under this section.

History: 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337;
1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237; 1999 a. 109; 2001 a. 16 ss. 3409f, 3409g, 4060hw, 4060hy;
2003 a. 33, 80, 200, 326; 2005 a. 443 s. 265.

4 **SECTION 3. Initial applicability.** ✓

5 (1) This act first applies to applications for occupational licenses received by ✓
6 the department of transportation on the effective date of this subsection.

7 **SECTION 4. Effective date.** ✓

8 (1) This act takes effect on the first day of the 3rd month beginning after ✓
9 publication.

10 (END) ✓

→ D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3227/P1dn

ARG:.....

ljk

Date

ATTN: Cindy McGinnis

Please review the attached draft carefully to ensure that it is consistent with your intent. ✓

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft. ✓

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3227/P1dn
ARG:bjk:rs

October 1, 2007

ATTN: Cindy McGinnis

Please review the attached draft carefully to ensure that it is consistent with your intent.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Gary, Aaron

From: McGinnis, Cindy
Sent: Tuesday, January 08, 2008 3:39 PM
To: Gary, Aaron
Subject: RE: Draft review: LRB 07-3227/P1 Topic: Allowing occupational licenses for operating privilege suspensions following financial responsibility violations

Aaron-

This draft is fine, it can be a /1 draft now.

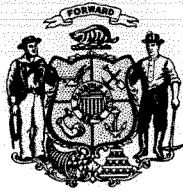
Thanks

Cindy McGinnis
Office of State Representative Tamara Grigsby
122 North State Capitol
P.O. Box 8952
Madison, WI 53708
1-888-534-0018 - toll free
(608) 266-0645
(608) 282-3618 - fax

From: Basford, Sarah
Sent: Monday, October 01, 2007 12:15 PM
To: Rep.Grigsby
Subject: Draft review: LRB 07-3227/P1 Topic: Allowing occupational licenses for operating privilege suspensions following financial responsibility violations

Following is the PDF version of draft LRB 07-3227/P1 and drafter's note.

01/08/2008



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3227/P1

ARG:bjk:rs

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

No changes

Regen

- 1 AN ACT *to amend* 343.10 (1) (a) and 343.10 (9) of the statutes; **relating to:**
- 2 allowing the Department of Transportation to issue occupational licenses
- 3 following operating privilege suspensions related to motor vehicle financial
- 4 responsibility violations.

Analysis by the Legislative Reference Bureau

Current law does not generally require motor vehicles operated in this state to be covered by policies of bodily injury and property damage liability insurance. However, current law imposes certain financial responsibility requirements on owners and operators of motor vehicles involved in accidents. If a motor vehicle accident results in injury, death, or property damage of \$1,000 or more, the Department of Transportation (DOT) is required to notify the operator and owner of the vehicle involved in the accident that the person must deposit with DOT security for the accident in an amount specified by DOT, which DOT has determined is sufficient to satisfy any judgment for damages resulting from the accident. Unless an exception applies, if a person fails to timely deposit security after this notice is given, DOT must suspend the person's operating privilege if the person was the vehicle operator. Also, if DOT receives a certified copy of a judgment for damages of \$500 or more arising out of a motor vehicle accident, DOT must immediately suspend the operating privilege and all registrations of the person against whom the judgment was rendered unless the person can provide proof of financial responsibility.

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SECTION 3. Initial applicability.

(1) This act first applies to applications for occupational licenses received by the department of transportation on the effective date of this subsection.

SECTION 4. Effective date.

(1) This act takes effect on the first day of the 3rd month beginning after publication.

(END)

Duerst, Christina

From: McGinnis, Cindy

Sent: Thursday, January 24, 2008 2:24 PM

To: LRB.Legal

Subject: Draft Review: LRB 07-3227/1 Topic: Allowing occupational licenses for operating privilege suspensions following financial responsibility violations

Please Jacket LRB 07-3227/1 for the ASSEMBLY.

1/24/2008